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CALIFORNIA AMMONIA CO. d/b/a

CALAMCO and DAVID STONE

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ALEX MESQUITA, individually and on
behalf of all similarly situated individuals,

Plaintiffs,

v.

CALIFORNIA AMMONIA CO. d/b/a
CALAMCO, a California corporation;
DANIEL STONE, an individual; and
DOES 1-10, inclusive,

Defendants.

Case No. 2:24-cv-00913-KJM-JDP

**ORDER RE: JOINT STIPULATION
OF DISMISSAL TO REMAND
ACTION TO STATE COURT**

ORDER

The Court, having reviewed the Parties' stipulation above, and good cause therefore appearing, hereby orders:

1. Plaintiff's individual claims for overtime, meal periods, and rest periods under the California Labor Code against Defendants are hereby dismissed with prejudice;
2. This action is remanded to the San Joaquin County Superior Court;
3. After remand of this action to the San Joaquin County Superior Court, the Parties agree that Plaintiff shall have 30 days to file an Amended Complaint and Defendants shall have 30 days from date of service of that Complaint to file a responsive pleading, which may include a demurrer or motion to strike.
4. Nothing in this stipulation waives or otherwise compromises Defendants' affirmative defenses with respect to Plaintiff's obligation to grieve and exhaust his administrative remedies.

IT IS SO ORDERED.

DATED: April 29, 2024.



CHIEF UNITED STATES DISTRICT JUDGE